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MEMO ENDORSED

August 13, 2007

BY HAND DELIVERY

Hon. Leonard B. Sand
United States District Judge
United States District Court
500 Pearl Street, Room 1650
New York, New York 10007-1312

Re: Adrienne Wheeler v. City of New York, et al., 07-CV-3999 (LBS)

Your Honor:

We represent the City in the referenced matter, which involves claims that the City and individual defendants violated plaintiff's civil rights by, among other things, placing her under arrest on or about Feb. 24, 2006, in the Times Square area. We write to request a brief extension of time within which to answer, move or otherwise respond to the complaint, from August 13, 2007, to August 24, 2007. This is defendants' second request for an extension of time to respond to the complaint, the first request having been made on June 12, 2007, and granted by Your Honor. Plaintiff's counsel consents to this request.

The main reason we seek an extension is that one of the two individual defendants, former Assistant Chief Bruce Smolka, has not yet been served with process. Mr. Smolka, who is retired, was purportedly served at the office of the Corporation Counsel on June 1, 2007, but this office is not authorized to accept service of process for retired police officers. Accordingly, I have advised plaintiff's counsel to effect service on former Assistant Chief Smolka at One Police Plaza. We anticipate that after service is made at that address, we will be able to interview Mr. Smolka and evaluate any representation issues, by August 24, 2007.

Respectfully submitted,

Arthur G. Larkin (AL 9059)
Assistant Corporation Counsel

AGL/m

cc: Jonathan C. Moore, Esq. (by hand delivery)

MEMO ENDORSED